THE HONOURABLE SRI JUSTICE V.ESWARAIAH

WRIT PETITION No:16363 of 2007

DATED:31-07-2007

BETWEEN:

Sarvodaya Weaker Sections Development Welfare Society,
Narayankhed,
Rep., by its General Secretary,
S.Ramakrishna,
Office at H.No.1-1,
Narsapoor village, Narayankhed Mandal,
Medak District.

..... PETITIONER

AND

The State of A.P.,
Rep., by its Principal Secretary for Housing,
Govt., of A.P.,
Secretariat Buildings,
Hyderabad & 4 others.

.....RESPONDENTS

ORDER:

Heard learned counsel appearing for the petitioner; learned Government Pleader; and the learned standing counsel appearing for the respondents.

2. Petitioner seeks a writ of mandamus declaring that the members of the petitioner-society are eligible and entitled to the houses under 'Indira Awas Yojana' Scheme and direct the respondents to undertake construction of houses to the members of the petitioner-society.

3. It is the case of the petitioner society that it is registered under the Societies Registration Act and its area of operation consists of Narayankhed Assembly Constituency which consists of Manoor, Narayankhed, Kangti, Kalher, Nyalkal and Raikode mandals and most of the members of the society belong to Scheduled Caste, Scheduled Tribe, Backward Classes, minorities, and other Economically Backward Classes. It is stated that the residents of the said area have gone to Bodhan for temporary work for their survival where they suffered fire accident and their names were recommended by the Assistant Engineer and Mandal Revenue Officer and housing proposals were recommended by the Joint Secretary to the Chief Minister vide Ref.No.492/CMP/2001, dated 19-01-2001, for sanction of houses under 'Indira Awas Yojana'. It is stated that the 4th respondent-

District Manager was requested to take immediate action in the matter by the 3rd respondent-District Collector, Medak District at Sangareddy but the cases of the members of the petitioner society whose huts were fired at Bodhan of Nizamabad District have not been considered on the ground that they are not permanent residents of Nizamabad District. Hence, the present Writ Petition.

4. I am of the opinion that the Writ Petition filed by the petitioner is vague, bereft of any material particulars and the names of the persons in whose favour these houses are said to have been recommended are not mentioned. Even according to the statement of the petitioner society they are the residents of Medak District and therefore, the question of sanctioning houses in other districts does not arise.

5. Counter has been filed stating that the Mandal Revenue Officer, Bodhan, Nizamabad District submitted a list of forty three members, who belong to Narayankhed Constituency of Medak District and who have lost their houses in the fire accident occurred at Bodhan, Nizambad District. All the said fortythree persons of Medak District have gone to Bodhan for cutting sugarcane crop for the particular season. However, their houses in the native places in Medak District are not affected by any damage in the fire accident. It is stated that according to Indira Awas Yojana programme those who are living in the huts and who are affected in the fire accident become eligible and their cases are considered under the said scheme, but insofar as the said fortythree persons belonging to Narayankhed Constituency,

Medak District are concerned, it is stated that they have temporarily raised huts at Bodhan of Nizambad District, and therefore they are not eligible for sanction of any house under Indira Awas Yojana scheme at Bodhan, Nizamabad District. It is further stated that out of forty three victims it was found that twentyfive victims belong to Narsapur and Narayankhed, and out of the said twenty five victims eight persons were already covered under the other housing scheme and seven persons are having houses, AC sheets, and tiles in good condition and the remaining ten persons are not residing in the village. Therefore, no victim belonging to Medak District is eligible for sanction of the houses under Indira Awas Yojana scheme. It is stated that the fire accident took place at Bodhan, Nizamabad District and no victim is eligible for sanction of house under 'Indira Awas Yojana' scheme and therefore, petitioner is not entitled for any relief.

6. In view of the facts and circumstances, I do not see any merits in the Writ Petition and the same is liable to be dismissed.

7. Accordingly, Writ Petition is dismissed. There shall be no order as to costs.

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V.ESWARAIAH,J

31st July, 2007.
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